

IN THE MATTER OF  
United States Patent Application No 09/647098  
In the name of **Eimeria Pty Limited** and  
the **State of Queensland** through the  
**Department of Primary Industries**, and  
the **Rural Industries Research**  
and **Development Corporation**

This is Exhibit **PAS-11** referred to in the Statutory Declaration of  
Dr Peter A Stearne made before me.

DATED this 27<sup>th</sup> day of April 2001.

BEFORE ME: Ross Heisey

ROSS M. HEISEY  
DAVIES COLLISON CAVE  
10, 10 BARRACK STREET, SYDNEY 2000  
Registered Patent Attorney within the  
meaning of the Patents Act 1990

DAVIES COLLISON CAVE  
PATENT & TRADE MARK ATTORNEYS

28 November, 2000

Sughrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue N.W.  
Washington  
D.C. 20037-3202  
UNITED STATES OF AMERICA

VIA FACSIMILE ONLY

Attention: Gordon Kit

Your Ref: Q-60901

Our Ref: 7110283/PS

Re: The State of Queensland through the Department of AND  
Rural Industries Research and Development Corporation AND  
Eimeria Pty Limited  
United States Patent Application No. 09/647098  
"Vaccination modalities"

Dear Gordon,

Thank you for your letter of 20 November 2000 on the above case.

The inventor who has refused to cooperate in signing documents, Dr Norman Stewart, has conveyed this over the telephone to a director/employee of one of the applicants.

The circumstances of this particular case are that I signed the PCT Request form as agent for the applicant, and that Powers of Attorney were sought and filed from the assignees, and from each of the inventors with the exception of Dr Norman Stewart. Dr Stewart's lawyer phoned me and said that Dr Stewart was not going to sign the documents as he had left the employment of the Queensland Department of Primary Industries and would not be involved in assisting in any way his previous employer. His attorney did say that if he was paid a negotiated sum of money then he believed he could persuade Dr Stewart to sign the Power of Attorney form. This in effect amounted to blackmail, as under Australian law the invention was the property of his

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In association with:  
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Intellectual Property Law

28 November, 2000

employer, that is The State of Queensland Through the Department of Primary Industries.

Dr Stewart has told Mr Anthony Roberts from Eimeria Pty Ltd that he will not sign the US assignment form.

[REDACTED]

I look forward to hearing from you.

Yours sincerely  
**DAVIES COLLISON CAVE**

  
DR PETER STEARNS